

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

THEODORE W. WHITE, JR.)	
)	
Plaintiff,)	
)	
v.)	Case No. 05-0203-CV-W-NKL
)	
RICHARD MCKINLEY, et al.,)	
)	
Defendants.)	

ORDER

Pending before the Court is Richard McKinley's ("McKinley") Motion for Reconsideration [Doc. # 101]. For the reasons set forth below, the Court grants McKinley's Motion.

On April 11, 2006, McKinley filed a Motion for Summary Judgment [Doc. # 84] wherein he asserted the defense of qualified immunity to the claims of Theodore White ("White"). White then filed a Motion for Relief Under Rule 56(f) requesting that the Court allow him to conduct discovery on McKinley's claim of qualified immunity before responding to McKinley's Motion for Summary Judgment. In an Order dated May 12, 2006, the Court granted White's Motion and denied McKinley's Motion for Summary Judgment without prejudice. *See* Order [Doc. # 96]. In his pending Motion, McKinley requests that the Court reinstate his Motion for Summary Judgment so he does not have to go to the expense of re-filing it after the close of discovery.

The Motion is denied. There is little or no expense to refileing the exact same

document after discovery is completed. It would also be surprising if McKinley did not want to modify his Motion or suggestions in support of the Motion, based on discovery which occurs concerning qualified immunity issues. It is, therefore, in the interest of the Court and the parties to start with a clean slate once discovery has been completed.

Accordingly, it is hereby

ORDERED that McKinley's Motion for Reconsideration [Doc. # 101] is DENIED.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

DATE: June 13, 2006
Kansas City, Missouri